

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHANIQUEA S. CATTENHEAD-FOLK,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.
-----X

21 Civ. 9552 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

After reviewing the parties’ briefings in connection with Defendant’s motions *in limine*, the Court will afford Plaintiff one final opportunity to provide “a computation of each category of damages” as required under Federal Rule of Civil Procedure 26(a)(1)(A)(iii). As relevant here, Plaintiff provided her initial disclosures pursuant to Rule 26 on October 11, 2021, in which she failed to provide a dollar amount for each category of damages and claimed that the “amounts [of] [the damages] are currently unliquidated and/or continuing and will be determined at trial by the trier of fact.” Dkt. 67-15 at 6. On November 7, 2023—some seven months after the close of discovery, *see* Dkt. 51, and after prompting from Defendant, *see* Dkt. 74 (“Opposition”) at 26—Plaintiff provided supplemental Rule 26 initial disclosures, *see* Dkt. 75-7, in which she listed “[a]pproximately \$118,333.78” as her damage figure for past medical expenses, “approximately \$2,000,000” for future medical expenses, and no dollar figure at all for past and future pain and suffering, *id.* at 2. These are the four categories of damages on which Plaintiff seeks recovery per the parties’ Joint Pretrial Order. *See* Dkt. 89 at 18. Plaintiff also attached bills and liens to this document in support of her past medical expenses figure. *See id.* Plaintiff claims that “[t]hese records clearly identify both the sources of the bills and the amounts owed to each and justifies

Plaintiff's claim for past medical expenses." Opposition at 26. However, "even a party's own production of documents supporting its theory of damages cannot excuse that party from its separate obligation to disclose a damages computation. . . . [D]amages computations and the documents supporting those computations are two different things, and Rule 26 obliges parties to disclose and update the former as well as the latter." *Agence France Presse v. Morel*, 293 F.R.D. 682, 685 (S.D.N.Y. 2013).

Therefore, no later than February 12, 2024, Plaintiff is ordered to provide Defendant with a detailed computation of her past and future medical expenses, and make available documents or other evidentiary material, unless privileged or otherwise protected from disclosure, on which each computation is based, as required by Rule 26(a)(1)(A)(iii).

SO ORDERED.

Dated: February 9, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge